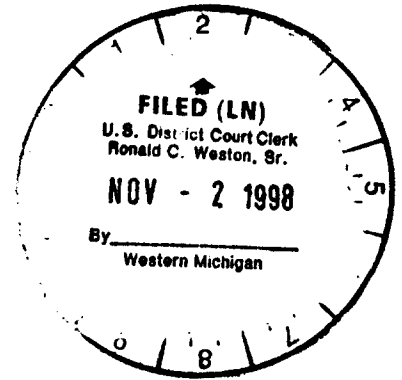


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION



PRICE, HENEVELD, COOPER, DEWITT
& LITTON,

Case No. 1:04-cv-561

Plaintiff/Counter-Defendant,

Hon. Robert H. Cleland

v.

ANNUITY INVESTORS LIFE
INSURANCE COMPANY,

Defendant/Counter-Plaintiff.

ORDER GRANTING LEAVE TO FILE SUR-REPLY BRIEF

Defendant/Counter-Plaintiff Annuity Investors Life Insurance Company ("Annuity Investors") having moved the Court for leave to file a sur-reply brief in opposition to the motion of Plaintiff/Counter-Defendant Price, Heneveld, Cooper, DeWitt & Litton ("Price Heneveld") for partial summary judgment on account stated claim; and

The Court having duly considered the motion of Annuity Investors and noting that a hearing on the motion for partial summary judgment will be conducted on January 4, 2006; and

The Court finding that granting leave to file the sur-reply brief will result in no unfair prejudice to Price Heneveld; now therefore,

IT IS HEREBY ORDERED that the motion of Annuity Investors to file a sur-reply brief is **GRANTED**; and

IT IS FURTHER ORDERED that the sur-reply brief shall be received by the Clerk of the Court for filing.

Dated: 2 Nov, 2005

By:

A handwritten signature of Robert H. Cleland.

Hon. Robert H. Cleland
UNITED STATES CIRCUIT JUDGE